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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE APPLICATION OF EURASIAN
NATURAL RESOURCES CORPORATION
LTD.,

Applicant.

Case No. 18-mc-80041-LB

**NOTICE OF RELATED CASE
PURSUANT TO CIVIL L.R. 3-12 TO BE
FILED IN CASE NO. 18-MC-80041-LB;
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED, PURSUANT
TO CIVIL L.R. 7-11**

PLEASE TAKE NOTICE that a related case, *In re Application of Dechert LLP*, Case No. 4:18-mc-80114-DMR, was filed on June 29, 2018 in the United States District Court for the Northern District of California. Pursuant to Civil Local Rules 3-12(b) and 7-11 of the United States District Court for the Northern District of California, Dechert LLP (“Dechert”) submits this Administrative Motion to Consider Whether Cases Should be Related.

I. APPLICABLE STANDARD UNDER CIVIL L.R. 3-12

Under Civil Local Rule 3-12(a), an “action is related to another when: (1) The actions concern substantially the same parties, property, transaction or event; and (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.” Civil L.R. 3-12(a). Whenever a party knows or believes that an action may be related to an action which is or was pending in the Northern District, the party must promptly file in the lowest-numbered case an Administrative Motion to Consider Whether Cases Should Be Related, pursuant to Civil L.R. 7-11. Civil L.R. 3-12(b). The motion must include (1) the title and case number of each apparently related case; and (2) a brief statement of the relationship of the actions according to the criteria set forth in Civil L.R. 3-12(a). Civil L.R. 3-12(d).

II. RELATED CASES

In re Dechert LLP, Case No. 4:18-mc-80114-DMR was filed June 29, 2018 and assigned to Magistrate Judge Donna M. Ryu in the United States District Court, Northern District of California. That case should be related to the above-captioned case, *In re Application of Eurasian Natural Resources Corporation Ltd.*, Case No. 18-mc-80041-LB, which was filed February 23, 2018, and assigned to Magistrate Judge Laurel Beeler in the United States District Court, Northern District of California.

Both *In re Dechert LLP* and *In re Application of Eurasian Natural Resources Corporation Ltd.* (collectively “Actions”) involve the same parties, events, and factual and legal issues. Both Dechert and Eurasian Natural Resources Corporation Ltd. (“ENRC”) seek discovery from the same individual, Mr. Danny Fortson, through their respective Applications for Discovery for use in a Foreign Proceeding Under Section 1782. Both Actions arise out of the same set of facts –

1 how a letter from Dechert to ENRC came to be in Mr. Fortson's possession. Both Actions seek
2 documents and testimony from the same recipient, Mr. Fortson. Both Actions seek documents
3 and testimony on the same narrow topic – namely, identifying the source who leaked Dechert's
4 letter to Mr. Fortson, which he used in publishing articles in *The Sunday Times*. Both Actions
5 seek documents and testimony for use regarding the same anticipated claims in the same foreign
6 proceeding in the United Kingdom, which involve the same parties, Dechert and ENRC.

7 Accordingly, if the Actions proceed before different judges, it appears likely there will be
8 an unduly burdensome duplication of labor and expense, as well as the potential for inconsistent
9 adjudications.

10 CONCLUSION

11 For the foregoing reasons, Dechert respectfully requests that the Court issue an Order that
12 the Actions *In re Dechert LLP*, Case No. 4:18-mc-80114-DMR and *In re Application of Eurasian*
13 *Natural Resources Corporation Ltd.*, Case No. 18-mc-80041-LB are related and assigned to the
14 Honorable Laurel Beeler.

15 Dated: July 9, 2018

Respectfully submitted,

16 DECHERT LLP

17 /s/ H. Joseph Escher III

18 H. JOSEPH ESCHER III

19 Attorneys for Dechert LLP